

JAN 18 2002

RCE 1/16/00 #1  
Ref. RCE  
126/02

PTO/SB/30 (5/2000)

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## REQUEST FOR CONTINUED EXAMINATION (RCE)

Subsection (b) of 35 U.S.C. §132, effective on May 29, 2000, provides for continued examination of a utility or plant application filed on or after June 8, 1995. See The American Inventors Protection Act of 1999 (AIPA).

Application Number	09/394,264
Filing Date	September 10, 1999
First Named Inventor	Cynthia C. Morton et al.
Group Art Unit	1643
Examiner Name	U. Winkler
Attorney Docket Number	10286-008001

**This is a Request for Continued Examination (RCE) under 37 C.F.R. §1.114 of the above-identified application.**

NOTE: 37 C.F.R. §1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. §1.53(d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

**1. Submission required under 37 C.F.R. §1.114**

- a.  Previously submitted
  - i.  Consider the amendment(s)/reply under 37 C.F.R. §1.116 previously filed on \_\_\_\_\_ (Any unentered amendment(s) referred to above will be entered)
  - ii.  Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
  - iii.  Other \_\_\_\_\_
- b.  Enclosed
  - i.  Amendment/Reply
  - ii.  Affidavit(s)/Declaration(s)
  - iii.  Information Disclosure Statement (IDS)
  - iv.  Other \_\_\_\_\_

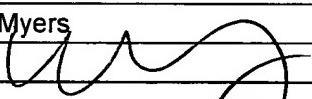
**2. Miscellaneous**

- a.  Suspension of action on the above-identified application is requested under 37 C.F.R. §1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; fee under 37 C.F.R. §1.17(i) required)
- b.  Other \_\_\_\_\_

**3. Fee** The RCE fee under 37 C.F.R. §1.17(e) is required by 37 C.F.R. §1.114 when the RCE is filed.

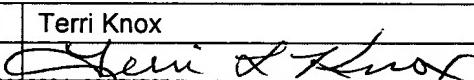
- a.  The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 06-1050
  - i.  RCE fee required under 37 C.F.R. §1.17(e)
  - ii.  Extension of time fee (37 C.F.R. §§1.136 and 1.17)
  - iii.  Other \_\_\_\_\_
- b.  Check in the amount of \$ 370 enclosed
- c.  Payment by credit card (Form PTO-2038 enclosed)

**SIGNATURE OF APPLICANT, ATTORNEY OR AGENT REQUIRED**

Name (Print/Type)	Louis Myers	Registration No. (Attorney/Agent)	35,965
Signature		Date	21 Dec 01

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to **Commissioner for Patents, Box RCE, Washington, DC 20231** or facsimile transmitted to the U.S. Patent and Trademark Office on: \_\_\_\_\_

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Date December 21, 2001

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Cynthia C. Morton et al. Art Unit : 1643  
Serial No. : 09/394,264 Examiner : U. Winkler  
Filed : September 10, 1999  
Title : A NOVEL COCHLEAR GENE COCH5B2 AND USES THEREFOR

#17  
Ext. (5 mos.)  
1/26/02  
CJ

Commissioner for Patents  
Washington, D.C. 20231

PETITION FOR FIVE-MONTH EXTENSION OF TIME

Pursuant to 37 CFR §1.136, applicant hereby petitions that the period for response to the action dated May 24, 2001, be extended for five months to and including December 24, 2001.

Enclosed is a check for \$980 for the required fee. Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: 21 Dec 01

Louis Myers  
Reg. No. 35,965

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CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

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Terri L Knox  
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